

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,	)	
	)	
Plaintiff,	)	
	)	C. A. No. 05-486 (GMS)
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
THE TORO COMPANY,	)	
	)	
Defendant.	)	

**DECLARATION OF DAVID E. MOORE  
IN SUPPORT OF TORO'S OPENING CLAIM CONSTRUCTION BRIEF**

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*Attorneys for Defendant  
The Toro Company*

Dated: August 4, 2006

I, David E. Moore, declare as follows:

1. My name is David E. Moore. I am an associate with the law firm of Potter Anderson & Corroon L.L.P., which represents Defendant The Toro Company, ("Toro") in the above captioned matter.
2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,047,530.
3. Attached hereto as Exhibit 2 is a true and correct copy of the file history for U.S. Patent No. 6,047,530.
4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 6,336,311.
5. Attached hereto as Exhibit 4 is a true and correct copy of the file history of U.S. Patent No. 6,336,311.
6. Attached hereto as Exhibit 5 is a true and correct copy of U.S. Patent No. 6,336,312.
7. Attached hereto as Exhibit 6 is a true and correct copy of the file history of U.S. Patent No. 6,336,312.
8. Attached hereto as Exhibit 7 is a true and correct copy of U.S. Patent No. 1,827,559.
9. Attached hereto as Exhibit 8 is a true and correct copy of U.S. Patent No. 1,607,378.
10. Attached hereto as Exhibit 9 is a true and correct copy of U.S. Patent No. 2,114,096.

11. Attached hereto as Exhibit 10 is a true and correct copy of an article by Dave Buchanan, *Rotaries Take to Golf Courses*, Ground Maintenance, January 1991, at 58.
12. Attached hereto as Exhibit 11 is a true and correct copy of a Toro brochure titled "Groundsmaster-580D", dated 1990.
13. Attached hereto as Exhibit 12 is a true and correct copy of *Sentex Sys., Inc. v. Elite Access Sys., Inc.*, 1999 U.S. App. LEXIS 3846 (Fed. Cir. Mar. 10, 1999).
14. Attached hereto as Exhibit 13 is a true and correct copy of *Wireless Agents LLC v. Sony Ericsson Mobile Comm'n.*, 2006 U.S. App. LEXIS 18933 (Fed. Cir. July 26, 2006).
15. Attached hereto as Exhibit 14 is a true and correct copy of an excerpt from Merriam-Webster's Collegiate Dictionary 1174 (10<sup>th</sup> ed. 1997).
16. Attached hereto as Exhibit 15 is a true and correct copy of an excerpt from Webster's Third New Int'l Dictionary 713 (2002).

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 4th day of August, 2006.

/s/ David E. Moore  
David E. Moore

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, David E. Moore, hereby certify that on August 4, 2006, the attached document was electronically mailed and hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on August 4, 2006, I have Electronically Mailed and Federal Expressed the documents to the following non-registered participants:

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